

ENTERED

June 28, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

MARIO ALBERTO QUINTANILLA,	§
	§
Plaintiff,	§
VS.	§ CIVIL ACTION NO. 7:15-CV-00252
	§
WILLIAM STEPHENS,	§
	§
Defendant.	§

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Petitioner Mario Alberto Quintanilla's Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, which had been referred to the Magistrate Court for a report and recommendation. On March 28, 2016, the Magistrate Court issued the Report and Recommendation, recommending that Respondent's motion for summary judgment be granted, that Petitioner's § 2254 habeas petition be denied, that Petitioner be denied a certificate of appealability, and that this action be dismissed. Petitioner has filed timely objections to the Magistrate Court's Report and Recommendation.

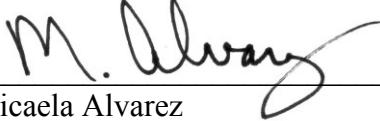
Pursuant to 28 U.S.C. § 636(b)(1)(c), the Court has made a de novo determination of those portions of the report to which objections have been made. Petitioner's principle objection is that it is irrelevant whether he used the prison *legal* mail system as he used the federal mail system. This objection is without merit. As to those portions to which no objections have been made, in accordance with Federal Rule of Civil Procedure 72(b), the Court has reviewed the report for clear error.

Having thus reviewed the record in this case, the parties' filing and the applicable law,

the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby ORDERED that Respondent's Motion for Summary Judgment is GRANTED, that Petitioner's Petition for Writ of Habeas Corpus Pursuant to § 2254 is DENIED, that Petitioner is denied a certificate of appealability, and that this action is DISMISSED.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 28th day of June, 2016.



Micaela Alvarez
United States District Judge